

REMARKS

Claims 1-12 are currently active.

The Examiner has rejected Claims 1-4 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

The Supreme Court in the State Street Bank case determined that business method patents were in fact valid and covered patentable subject matter. In the State Street Bank case, a financial instrument called a certificate of deposit had its interest rate tied to the inflation rate of college tuition. In regard to Claims 1-4, they are directed to costs associated with producing printed circuit board assembly. Accordingly, Claims 1-4 are directed to patentable subject matter.

The Examiner has rejected Claims 1-12 under 35 U.S.C. 112, second paragraph. Claim 1 has been amended to include the limitation of labor costs in the body of the claim. In addition, Claim 1 has been amended to include the limitation that the calculating step is a function of the volume. Antecedent support for this limitation is found in Claim 2.

The Examiner has rejected Claims 1-12 as being anticipated by Pan. Applicants respectfully traverse this rejection. In order for a claim to be anticipated, every limitation of the claim must be clearly found in the four corners of the reference said to anticipate the claim.

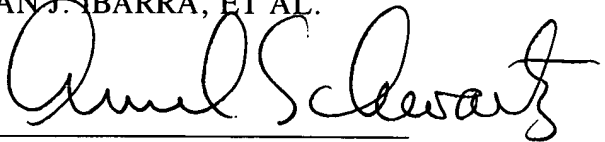
Referring to Pan, there is disclosed an IC manufacturing costing control system and process. Pan teaches that the system provides the functions of preparing data for use in costing, calculating hourly rates for a part, calculating final costs for a part, and calculating part costs for a part. See column 1, lines 30-38. Pan teaches various types of data that are used for the cost determination. These costs include hourly rate, overhead expense, cost per recipe; see figure 4. It is respectfully submitted, that while Pan has to do with calculating cost of a part, applicants' claimed invention is distinct and narrower and different than what Pan teaches. Simply speaking, nowhere does Pan teach the steps of projecting volume for a predetermined time for the printed circuit board assembly, or the step of calculating a cost of conversion at a predetermined percentage of surface mount technology components of the printed circuit board assembly as a function of the volume, let alone the step of generating a cost of conversion for the printed circuit board assembly based on actual percentage of surface mount technology components of the printed circuit board assembly from the cost of conversion at the predetermined percentage. For each of these limitations alone, and certainly in combination, Pan does not teach or suggest or anticipate Claim 1.

Claims 2-12 are patentable for the reasons Claim 1 is patentable.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-12, now in this application be allowed.

Respectfully submitted,

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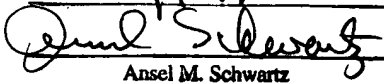
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